

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|-----------------------------------|---|----------------------------|
| DAVID A. DOWS , | : | CIVIL ACTION |
| Plaintiff | : | |
| | : | |
| v. | : | NO. 04-341 Erie |
| | : | |
| KATHERINE E. HOLTZINGER | : | Judge McLaughlin |
| CONNER, ESQ., Chairman | : | |
| PENNSYLVANIA CIVIL SERVICE | : | |
| COMMISSION and JOHN DOE , | : | |
| Defendants | : | JURY TRIAL DEMANDED |

Part Three, Deposition of Karlos M. Deltoro, pages one through fifty inclusive

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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DAVID A. DOWS,

Plaintiff,

vs.

PENNSYLVANIA CIVIL SERVICE
COMMISSION and JOHN DOE,

Defendants.

)
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) Civil Action
) No. 04-341 ERIE
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Deposition of KARLOS M. DelTORO
11
Thursday, December 22, 2005

The deposition of KARLOS M. DelTORO,, called as
14 a witness by the plaintiff, pursuant to notice and the
Federal Rules of Civil Procedure pertaining to the
15 taking of depositions, taken before me, the
undersigned, Eugene C. Forcier, Stenographer
16 Commissioner in and for the Commonwealth of
Pennsylvania, at the Office of the Attorney General,
17 Commonwealth of Pennsylvania, Litigation Section,
Strawberry Square, Harrisburg, Pennsylvania 17120,
18 commencing at 9:00 o'clock a.m., the day and date
above set forth.

COMPUTER-AIDED TRANSCRIPTION BY
21 MORSE, GANTVERG & HODGE, INC.
ERIE, PENNSYLVANIA
22 814-454-6655

ORIGINAL

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 William Taggert, Esquire
4 1400 Renaissance Centre
5 1001 State Street
6 Erie, Pennsylvania 16501

7 On behalf of the Defendant:

8 Linda S. Lloyd, Senior Deputy Attorney
9 General
10 Office of the Attorney General
11 Litigation Section
12 Strawberry Square
13 Harrisburg, Pennsylvania 17120

14 Frederick C. Smith, Jr., Chief Counsel
15 State Civil Service Commission
16 Legal Services Office
17 320 Market Street, 4th Floor
18 Harrisburg, Pennsylvania 17108

19 - - -

20 ALSO PRESENT:

21 David A. Dows
22 Keitha Carter-Webb

23 - - -

24

25

1 KARLOS M. DeLTORO

2 called as a witness by the plaintiff, having been
3 first duly affirmed, as hereinafter certified, was
4 deposed and said as follows:

5 EXAMINATION

6 BY MR. TAGGERT:

7 Q Sir, you were just sworn or affirmed in,
8 and my name is William Taggert, I am an attorney from
9 Erie, Pennsylvania, down here today with my client,
10 Mr. Dows.

11 Mr. Dows has a lawsuit in Federal Court,
12 against the Civil Service Commission. It's not
13 against any member, or employee of the Commission.
14 It's certainly not against you.

15 If you need a legal consultation today,
16 please turn to Attorney Lloyd, sitting on your right.

17 If I ask you any question today that you
18 don't understand, do not answer it.

19 If you answer a question, I will assume
20 that you understood the question.

21 A Okay.

22 Q But instead, tell me what you don't
23 understand about the question, and I will work with
24 you until you feel comfortable with it, and can
25 proceed to answer it.

1 Okay?

2 A Okay.

3 Q Be sure to say yes or no to yes or no
4 questions, rather than shake your head, because then
5 the court reporter has to guess.

6 And if you need any breaks, you know, to
7 get water, go to the men's room, or anything, let us
8 know, and we will take a break.

9 Okay?

10 A Okay.

11 Q Sir, would you state your full name for the
12 record?

13 A My name is Karlos M. DelToro.

14 Q And do you spell Karlos with a K?

15 A With a K, that's correct.

16 Q And you currently work for the Civil
17 Service Commission; is that right?

18 A Yes.

19 Q And what is your job title?

20 A My official job title is human resource
21 analyst 3 (general), in parenthetical.

22 My working -- my functional title is chief,
23 Recruitment and Work Force Diversity Division.

24 Q And who is your direct supervisor?

25 A Pamela Needham, N-e-e-d-h-a-m.

1 Q And what is Miss Needham's title?

2 A She is the director, Bureau of Employment
3 Services.

4 Q Did you review any documents, or files, to
5 prepare for your appearance today?

6 A Yes, I did.

7 Q And what do you recall reviewing?

8 A I reviewed the evaluation guide for county
9 social casework intern, the test announcement, the
10 test announcement supplement, a flyer that we have
11 used for recruitment, and a booklet that we have used
12 for recruitment as well.

13 Q And did you discuss your testimony for
14 today, with anybody?

15 A I asked for assistance preparing it from an
16 analyst that works on my staff, and I briefly
17 discussed certain elements of it with Fred Smith.

18 Q And with which analyst did you discuss this
19 matter?

20 A Benito Martinez.

21 Q And what did you ask Mr. Martinez to do, to
22 help you prepare?

23 A I asked Mr. Martinez to compile the
24 documents that I reviewed, and briefly summarize for
25 me what his typical recruitment activities are, for

1 this job title.

2 Q And did he prepare a written summary?

3 A Yes, he did.

4 Q And in case you need it, do you have that
5 with you today?

6 A I don't have it with me.

7 Q But it's available at your office?

8 A It is.

9 Q Now, how long have you been with the
10 Commission?

11 A I have been with the Commission for -- I
12 want to phrase this carefully -- with the Commission
13 itself for probably over eight years, but I was away
14 for about a year, in another agency, but technically
15 still a Commission employee.

16 Q And what agency is that?

17 A I was with a project called Imagine PA,
18 with the Governor's Office of Administration.

19 Q Now, when you were in the Imagine PA
20 program, were you providing human resources support
21 services for it?

22 A No.

23 Q So, your duties there were not very similar
24 to what you usually do at the Commission?

25 A They were not.

1 Q But except for that break, you have been
2 involved in civil service activities for about eight
3 years?

4 A Yes, that's correct.

5 Q How old are you, sir?

6 A I'm 39 -- I'm sorry, I am 38, I will be 39
7 soon.

8 MR. SMITH: Don't rush it.

9 THE WITNESS: Right.

10 BY MR. TAGGERT:

11 Q Now, before you worked at the Commission,
12 where did you work?

13 A I worked for the Federal Department of
14 Agriculture.

15 Q And what did you do at the Department of
16 Agriculture?

17 A I was a human resource -- I'm sorry, I was
18 a personnel management specialist.

19 Q And how long were you in that position?

20 A I was there from 1990 to December of 1995.

21 Q And was there a break, before you came to
22 the Pennsylvania Civil Service Commission?

23 A There was a short break, yes.

24 I began with the Commission in August 1996.

25 Q And before you began at the Department of

1 Agriculture, what did you do for a living?

2 A I was a -- may I backtrack for one second?

3 Q Of course.

4 A I also worked a couple of temporary jobs,
5 between Agriculture and the Commission.

6 Q Did those jobs involve human resource work?

7 A No, they did not.

8 Q And before you worked for the Department of
9 Agriculture, what job did you have?

10 A I worked briefly in New York, with a
11 security screening company.

12 Q And before that?

13 A I was a student at City College.

14 Q City College of New York?

15 A That's correct.

16 Q And are you a graduate of that institution?

17 A I am.

18 Q And in what field is your bachelor's
19 degree?

20 A Economics.

21 Q Have you had any formal training in
22 personnel issues, or personnel administration?

23 A Do you mean in college, or --

24 Q Well, let's start in your college studies.

25 A I don't recall any specific course work in

1 personnel or human resources.

2 Q And have you taken any course work for
3 credit, post college?

4 A No.

5 Q And have you had various training that's
6 related to human resources, or civil service matters?

7 A Yes.

8 Q And would you briefly outline for us what
9 that would be?

10 A Sure.

11 With the Federal Government, I received
12 training in what's called personnel staffing, and in
13 human resource classification.

14 Also, some training in what we would
15 consider personnel assessment.

16 While I have been with the Commission, I
17 have received basic training courses, that aren't
18 necessarily HR related, but things that are peripheral
19 to HR.

20 Q Are these provided in-house, by civil
21 service personnel?

22 A Typically in-house, that's correct.

23 Q And what subjects come to mind, as having
24 been covered?

25 A Specifically, HR related, or anything?

1 Q Anything related to your civil service
2 employment.

3 A Let me think.

4 I took recent training in test
5 development. Assessment, not in actually how to
6 develop tests, but what our developers do in order to
7 develop tests.

8 I have taken training in actually training
9 people, like I said, this is all peripheral to HR, not
10 specifically within my field, but things like writing
11 courses, proofreading, diffusing hostility.

12 What else can I think of?

13 Supervision type courses.

14 Q When did you become an analyst 3?

15 A I became an analyst 3 in approximately May
16 of 2004.

17 Q And before that, were you an analyst 2?

18 A I was.

19 Q Okay.

20 And what were your duties as an analyst 2?

21 A When I first became an analyst 2, I was the
22 bilingual recruiter for the Commission.

23 Q Are your two prime languages, Spanish and
24 English?

25 A That's correct.

1 And then after that position, I began
2 working with nursing and allied health recruitment,
3 also as an analyst 2.

4 And then I went to that project that I
5 mentioned earlier, for Imagine PA; when I returned, I
6 came back as a college recruiter. And I was in that
7 position until I became an HR analyst 3.

8 Q So, how much time -- since you understand
9 that chronology better than I will, how much time did
10 you put in as a college recruiter?

11 A As a college recruiter, I believe it was
12 since -- let's see, from July 2002, until I was
13 promoted in May of 2004.

14 Q And specific to college recruiting, what
15 were your activities, what would you do?

16 A I would visit colleges, for job fairs, for
17 on campus presentations.

18 I would provide civil service employment
19 information, to career services personnel.

20 I would attend any related functions, where
21 I could meet college students, and disseminate civil
22 service information.

23 That's generally what I would do.

24 In addition to my normal everyday duties in
25 the Commission.

1 Q And you would go to colleges all around the
2 Commonwealth of Pennsylvania?

3 A Typically, in the Central Pennsylvania
4 area.

5 Q Did you ever have occasion to go to
6 colleges or job fairs in Northwestern Pennsylvania?

7 A Could you be more specific?

8 Q Sure. Including Erie, Crawford, Venango
9 Counties; that area?

10 A I don't recall ever going out to those
11 areas.

12 Q Would you have telephone and mail contact
13 with colleges and universities in that area?

14 A Mostly e-mail contact.

15 Q Did you have occasion to deal with any
16 administrators or professors in the social work field,
17 at any of those colleges in Northwestern --

18 A Yes -- oh, I'm sorry in Northwestern.

19 Q In Northwestern Pennsylvania?

20 A Not directly.

21 Q Just to double check that, I will throw in
22 a few college names, and see if that jogs your
23 memory.

24 A Sure.

25 Q Behrend College in Erie, Pennsylvania?

1 A Could you repeat the first part of your
2 question?

3 Q Yes.

4 The question is: Did you have any contact
5 with administrators, or teachers, professors, at the
6 following schools: We are starting with Behrend,
7 which is part of the state university system?

8 A Let me just clarify, the reason I am
9 hesitating is because the contact I have had has been
10 with career services personnel. And I thought I heard
11 you ask with teachers and social workers particularly.

12 Q So your clarification is appreciated, and I
13 would add, at these various schools, anyone you think
14 is career services, placement, anything at all like
15 that.

16 A Yes.

17 Q So, as to Behrend College, have you had any
18 dealings with them?

19 A Only in a very general way.

20 Q For just --

21 A Mailing information to them.

22 Q And the same question as to Mercyhurst
23 College?

24 A The same way.

25 Q Now, Mercyhurst maintains a social work

1 department. Have you had any dealings with them,
2 about social work interns?

3 A Not directly, no.

4 Q And what would the nature of the indirect
5 contact be?

6 A Maybe if I explain it, it will be a little
7 clearer.

8 Q Certainly.

9 A We typically will send employment flyers,
10 for example, to colleges throughout Pennsylvania.

11 So, if, let's say, an entry level job title
12 would be opening up this month, we would prepare an
13 employment flyer for that job title, and we would send
14 that to all of our colleges, all of our four year and,
15 if necessary, all of our two year colleges.

16 So to that extent, we would have contact
17 with any colleges throughout PA.

18 But, they are not necessarily directed to
19 specific departments. Mainly to the career services
20 personnel, asking them to disseminate that information
21 to anyone they felt could use that.

22 Q Got it.

23 And, other than the mailings to which you
24 just referred --

25 A Uh-huh.

1 Q -- have you had any contact with Gannon
2 University in Erie, Pennsylvania?

3 A No.

4 Q Same question as to Edinboro State
5 University, in Edinboro, Pennsylvania?

6 A For anything in general, or --

7 Q For anything, beyond just those mass
8 mailings you referred to before?

9 A For Edinboro, I have not had direct
10 contact.

11 Q Are you familiar with someone in your unit
12 having contact?

13 A Yes.

14 Q And who would that person be?

15 A Robin Baumgardner, B-a-u-m-g-a-r-d-n-e-r.

16 Q And does she work for the Commission here
17 in Harrisburg?

18 A She does.

19 Q And what about her job, what causes her to
20 have contacts with colleges and universities?

21 A Robin is our analyst responsible for
22 providing employment services to persons with
23 disabilities.

24 She has a contact at Edinboro University,
25 because every year she makes at least one visit to

1 that school, to service any of their students who have
2 disabilities, and that's a typical contact that she
3 will make year by year.

4 Q Now, one of your co-workers is
5 Mr. Martinez?

6 A Yes.

7 Q Benito Martinez?

8 A That's correct.

9 Q And does he have occasion to work with the
10 schools, and the colleges, and universities in
11 Northwestern Pennsylvania, as part of his job?

12 A No.

13 Q Are his duties, and yours, somewhat
14 similar? Do you have some overlapping duties?

15 A Could you be more specific?

16 Q Is there anything you currently do, as part
17 of your job, that as far as you know, Mr. Martinez
18 does?

19 A Not really, no. Huh-uh.

20 Q What's his main area of involvement?

21 A He is one of my analysts, and he typically
22 deals with internship programs, clerical recruitment;
23 he assists county governments with special -- we call
24 special ed. recruitment, and of course, he services
25 his regularly assigned agencies, as each analyst does.

1 Q So, a certain agency will have -- be a
2 contact person for an agency?

3 A Yes. Under our current structure, each
4 analyst is assigned to provide recruitment services to
5 several agencies.

6 They will serve as the central liaison, or
7 contact point for those agencies, from their
8 recruitment and the EEO needs.

9 Q And when you refer to agencies in that
10 answer, are you referring solely to state agencies, or
11 also the local agencies?

12 A To an extent local agencies as well.

13 Q Who is the contact person, in your group,
14 for the Pennsylvania Department of Public Welfare?

15 A Mr. Martinez is.

16 Q And, if you know, is the Department of
17 Public Welfare one of the sources of funding that goes
18 to the Offices of Children and Youth, around the
19 state?

20 A I believe so.

21 Q Now, do you know, is there a contact person
22 for the Office of Children and Youth, in Erie County?

23 A I don't know.

24 Q Do you know, is there a contact person in
25 general, for the county government of Erie, someone

1 they would contact?

2 A There is a section in Department of Public
3 Welfare, that provides oversight to county government.

4 Q And would these be employees of the
5 Department of Public Welfare?

6 A Yes.

7 Q Okay.

8 You are not sure, in your unit, of a
9 particular person that might have responsibilities at
10 the county level?

11 A Well, could you clarify that?

12 Q Yes. I may be misstating what you wanted
13 to get across.

14 A Okay.

15 Q There is a contact person for -- at the
16 state level, for the Pennsylvania Department of Public
17 Welfare, the Civil Service Commission has a contact
18 person or persons; agreed?

19 A Right. Right.

20 Q There may or may not be a contact person
21 for civil service matters arising from the County of
22 Erie, in general; you know, there may be someone who
23 is a liaison, part time, with that; is that right?

24 A Are you asking if someone in my unit is a
25 direct liaison to Erie?

1 Q Is there anyone in your unit, who is
2 responsible for dealing with the County of Erie, among
3 his or her duties?

4 A If -- let me phrase it this way: If any of
5 the counties contact us for direct recruitment
6 services, Mr. Martinez would be the person who would
7 deal with that individual.

8 Q So the same gentleman we are already
9 talking about?

10 A That's right.

11 Q Is Mr. Martinez at work today?

12 A He will be, I believe. He is scheduled to
13 be in.

14 Q Now, in your employment, your professional
15 work, are you generally familiar with the idea of
16 trainee civil service lists that exist? That there
17 are civil service lists of potential trainees?

18 A Yes.

19 Q Okay.

20 And, are you familiar with what legal
21 sources support having trainee lists, what laws,
22 regulations, directives, whatever, allow those to
23 exist?

24 A I know of guidance that is provided
25 regarding them, but I am not sure I understand about

1 legal sources.

2 Q That's because I am learning along with
3 you.

4 A Okay.

5 Q And you know more than I do.

6 A Okay.

7 Q But we will work together.

8 When you say "guidance", what kind of
9 documents, or sources, are you talking about?

10 A We have management directives that provide
11 some general guidance on how to administer various
12 programs.

13 Q And that would include intern programs?

14 A There is one management directive I'm
15 familiar with, about intern programs.

16 Q Now, as I implied in my opening remarks,
17 there are no secrets today, we are just trying to
18 figure out how everything works.

19 Here is what was marked yesterday, as
20 Deposition Exhibit 1.

21 A Okay.

22 Q And it's a management directive, and I
23 would like you to take your time with that, and
24 familiarize yourself with it.

25 Sir, have you had a chance to review

1 Exhibit 1?

2 A Uh-huh.

3 Q And would you describe, for the record,
4 your understanding of what it is?

5 A This is a management directive that
6 provides guidance to -- to individuals dealing with
7 trainee classes, in the classified service.

8 Q And does it include some allusions to
9 trainee matters, and trainee lists?

10 A It does.

11 Q Is that the guidance you were referring to
12 in your earlier testimony?

13 A No, it isn't.

14 Q So there is another document, that's --

15 A Yes.

16 Q -- on point?

17 A Yes.

18 Q And do you have that available in your
19 office?

20 A Yes.

21 Q Okay.

22 MR. TAGGERT: Miss Lloyd, may the witness
23 make that available through you?

24 MR. SMITH: Sure. Management directive.

25 Yes.

1 MS. LLOYD: I provided it, I think, in
2 disclosures --

3 MR. TAGGERT: Well, we can double check.
4 But if it's not, whatever.

5 MR. SMITH: I thought we included both of
6 them in response to the EEOC.

7 MR. TAGGERT: I am not sure we have this
8 one.

9 MS. LLOYD: We can look for it.

10 MR. TAGGERT: Would you?

11 MS. LLOYD: I am pretty sure we have it.

12 MR. TAGGERT: We are going off the record,
13 taking a break.

14 (Recess taken.)

15 (Thereupon, Deposition Exhibit No. 21 was
16 marked for identification.)

17 BY MR. TAGGERT:

18 Q Now, sir, in front of you now are
19 Deposition Exhibits 1 and 21; is that correct?

20 A That's correct.

21 Q And did those two directives, together,
22 constitute the total of the directives known to you,
23 that have to do with trainee lists, and civil service?

24 A I don't know if there are any others.

25 Q None come to mind at this time?

1 A Could you repeat the question?

2 Q Sure.

3 Do any other management directives come to
4 mind, that deal with trainee lists? The development
5 and maintenance of them?

6 A None that come to mind.

7 Q And if they do later today, during your
8 testimony, you know, please mention that.

9 A Sure.

10 Q Okay?

11 A Sure.

12 Q Now, these both come from the Governor's
13 Office; is that right?

14 A That's correct.

15 Q Are you aware of any other sources of
16 guidance, that come to you from outside of the Civil
17 Service Commission, about the development or
18 maintenance of trainee lists?

19 A You mean of trainee eligibility lists?

20 Q Yes.

21 A No.

22 Q And if we drop the word "trainee
23 eligibility," and just said about trainees, are there
24 other sources that come to mind?

25 A That come to mind?

1 Q Right.

2 A About --

3 Q Because you were very careful, which I
4 appreciate your precision, but if we weren't just
5 talking about eligibility lists, are there other
6 sources that come to mind, other than what's in front
7 of you as Exhibits 1 and 21, of material that comes
8 from outside the Commission?

9 A Maybe if I ask the kind of guidance you are
10 talking about.

11 Are you saying, are there any specific
12 legal things, or are there things that describe what
13 training programs are like, or --

14 Q Let me go to subsets, if I may.

15 A Okay.

16 Q One would be any sources of laws, citing
17 the Pennsylvania Code, statutes, anything like that.

18 A Not to my knowledge.

19 Q Anything else, from the Governor's Office,
20 other than Exhibits 1 and 21, that come to mind?

21 A Maybe if I explain the reason I am
22 hesitating.

23 There is, for example, a human resource
24 management trainee program, the Governor's Office has
25 a specific program office that deals with that

1 program. They provide us with information, as needed,
2 to administer that.

3 But nothing along the nature of this, that
4 you are describing.

5 Q And that program you described is for the
6 state agencies handling their own employee situation?

7 A It is for -- let me give you a very
8 concrete thing, so you can understand.

9 Q Okay.

10 A I, as a supervisor, sometimes will need
11 to -- will have a human resource management trainee,
12 on rotation with us, so they provide me, as the
13 supervisor of that human resource management trainee,
14 with some guidelines in terms of preparing a training
15 program for that trainee, for the duration of their
16 rotation.

17 That's the kind of thing I am referring to.

18 Q But, in that sort of area, meaning sources
19 of law from the outside, nothing else comes to mind
20 that would apply to county social casework interns?

21 A No.

22 Q Or county caseworkers?

23 A No.

24 Q And outside of sources of law, that --
25 other guidances in writing, does anything else come to

1 mind?

2 A Nothing comes to mind at the moment.

3 Q Right. If it does, just let us know.

4 A Okay.

5 Q But for our discussion this morning, I am
6 going to assume, unless you tell us otherwise, that
7 the foundation documents are Exhibits 1 and 21, that
8 are in front of you, that that's the source of the
9 general authority to go ahead and create training
10 lists.

11 A I don't really know. I mean, I don't want
12 to make an assumption.

13 Q You don't --

14 A Yeah, I don't personally know, I don't want
15 to make an assumption that there is nothing out there,
16 I have just never come across anything personally.

17 Q For the clarify of the record, you are not
18 aware of anything else?

19 A That's right, yes.

20 Q Now, when you came to the Commission, did
21 you already have any familiarity with the concept of
22 trainee civil service lists, or --

23 A Before I came to the Commission?

24 Q Yes.

25 A No.

1 Q When you came to the Commission, when and
2 how did you first encounter the concept of trainee
3 lists?

4 A One of the typical duties that our
5 specialists do, including when I was doing it, are
6 resume evaluations.

7 In order to do resume evaluations, and also
8 in order to counsel clients, we have to be very
9 familiar with the Commonwealth classification plan,
10 and also with local government classifications, so
11 that we can properly advise our clients about tests
12 that they could take, based on their background.

13 In terms -- in the times when I researched
14 that Commonwealth classification plan, we would run
15 across titles that included trainee in the title.

16 For example, administration management
17 trainee, those are the kind of things that I had
18 exposure to.

19 Q Now, did you then receive training, and by
20 that include just one-on-one talking with other
21 experienced people at the Commission, to understand
22 how these trainee programs work?

23 A Not specifically for trainee programs.
24 Just in general, on how to evaluate people's
25 qualifications; for example, evaluation guides provide

1 evaluation policy on how we should interpret a
2 person's background, in comparison to that evaluation
3 guide.

4 So I received evaluation training,
5 generally, but not specifically limited to trainee
6 classes.

7 Q So, there are, in fact, documents known
8 generally, as -- in the Commission, as evaluation
9 guides?

10 A That's correct.

11 Q Is that right?

12 A Yes.

13 Q And are some of these general, and others
14 are keyed to particular job classifications?

15 A All evaluation guides are based on a
16 specific job classification.

17 Q So for instance -- and not taken at random,
18 as the subject of the case --

19 A Sure.

20 Q -- is there a specific evaluation guide for
21 county social caseworker intern?

22 A Yes.

23 Q And is there a specific one for county
24 caseworker 1?

25 A Yes.

1 Q And county caseworker 2?

2 A Yes.

3 MR. TAGGERT: And, Miss Lloyd, you gave
4 those, as well, is that right?

5 Off the record.

6 (Discussion off the records.)

7 MR. TAGGERT: So now back on the record.

8 Miss Lloyd, I would ask you for those
9 guides, with the understanding that before they
10 would be filed in any way, we would discuss how
11 to protect that information.

12 MS. LLOYD: Can I ask that while you --

13 MR. TAGGERT: I think they would fit the
14 original disclosures, but for, I can see you are
15 all influenced by the need to protect that from
16 distribution of any kind.

17 And these would be the evaluation guides
18 for social caseworker intern, caseworker 1 and 2.

19 MS. LLOYD: Can I ask that when you get
20 back to your office, you write me a letter,
21 remind me of all of these, so I don't miss
22 anything that you want.

23 I will forget.

24 MR. SMITH: Include in that letter that you
25 are going to protect them from disclosure.

1 MR. TAGGERT: Right. And this comes up
2 frequently in private cases.

3 MR. SMITH: We are very concerned about
4 that.

5 MR. TAGGERT: That's understandable, it is
6 like proprietary information, when you have
7 private cases.

8 MR. SMITH: Right.

9 BY MR. TAGGERT:

10 Q Now, sir, I don't know how much detail we
11 will get into in the next few minutes, about the
12 guides, if it becomes very detailed, then we will also
13 work out with counsel how we will protect that
14 information, too.

15 A Okay.

16 Q So don't worry, this doesn't wind up in the
17 Internet.

18 A Okay.

19 Q Or it is not out there. Okay?

20 But in fact, the various class titles --
21 and in your Exhibit 1, there is an attachment of a
22 list of titles, it goes on for several pages?

23 A Okay.

24 Q And today we are mostly talking at page 5
25 of 6., down toward the bottom where the county

1 caseworkers are.

2 Who developed the evaluation guides, that
3 are used for caseworker intern, and caseworker 1 and
4 2?

5 A I don't know the specific person who
6 developed that.

7 Q Are they developed in-house, by the
8 Commission?

9 A The evaluation guides?

10 Q Yes.

11 A Yes.

12 Q And are they reviewed and changed on any
13 regular basis, or just when there is a perceived need?

14 A When there is a perceived need.

15 Q Do you know if the evaluation guides, for
16 intern, have been the same for the last several years?

17 A I don't know.

18 Q And the same question as to county
19 caseworker 1 or 2?

20 A I don't know for certain. I --

21 Q Do you have some passing thought, that
22 maybe they have been changed? I see the hesitation.

23 A The hesitation was, I -- I believe that
24 there was a change to one of the minimum experience
25 and training requirements, for one of those titles,

1 but I don't remember specifics on that.

2 And if that were the case, that would have
3 to have been reviewed.

4 But I don't know for certain.

5 Q Understood.

6 Now, who finally approves an evaluation
7 guide -- a draft, and says, "Yes, this is correct, we
8 will use this"?

9 A I don't know for certain.

10 Q Do you know which department it would be?

11 A I do.

12 Q Which department is that?

13 A It would be the Bureau of Personnel
14 Assessment.

15 Q Now, yesterday, as we were talking about
16 similar matters, we collectively came up with the
17 phrase "the nonassembled test".

18 A Okay.

19 MR. SMITH: Unassembled.

20 MR. TAGGERT: I remembered it as non, but
21 un or non.

22 Q But in any event, that was meant to be
23 those -- apply to those class titles where people
24 don't sit for a written examination, but submit a
25 detailed application form.

1 And are you familiar with that general
2 subject?

3 A Yes.

4 Q And so, when you have been talking about
5 resume evaluations, is that the same as reviewing the
6 unassembled test?

7 A No.

8 Q Okay. Would you explain the difference to
9 us?

10 A Sure.

11 A resume evaluation is a very broad
12 determination by an analyst in the Bureau of
13 Employment Services, where you are looking at a
14 person's experience and training, and then comparing
15 that experience and training with the minimum
16 experience and training requirements for a particular
17 job class.

18 You are not making an official
19 determination, on whether that -- whether or not that
20 person qualifies for that title, but you are making a
21 reasonable guess that that person could take that
22 test, based on what you see on paper, on their resume.

23 Q Yes.

24 A What the evaluation guide is, is something
25 completely separate from that resume evaluation

1 process.

2 The evaluation guide is how -- let me
3 phrase this carefully.

4 And this is my understanding.

5 Q Yes.

6 A When you have a job class -- a job
7 classification, which contains MET's, the evaluation
8 guide is an attempt to explain those MET's.

9 Q And in the record, we want to, whenever you
10 use initials, that's swell, you want to --

11 A Minimum experience and training
12 requirements.

13 Q Thank you.

14 A The job classification -- the job
15 specification, more accurately, contains minimum
16 training and experience requirements, for each job
17 class.

18 The evaluation guide, is a -- is guidance
19 on how to interpret those minimal experience and
20 training requirements.

21 Q So, as in turn, to see if someone probably
22 qualifies to sit for a test?

23 A I'm sorry, could you repeat that, please?

24 Q Does that then help you determine, help the
25 Commission determine if an individual has those basic

1 requirements to sit for a test, that requires those
2 particular requirements be met?

3 A Are you speaking about the resume
4 evaluation process, or the evaluation process?

5 Q The resume evaluation process.

6 A The resume evaluation process, the
7 evaluation guide would help the analyst to make a
8 re -- a seasoned guess -- "guess" is not really a good
9 word for it -- to make a seasoned recommendation to
10 the person that they could take this test, if they in
11 fact can prove, at some point, that they meet those
12 minimum experience and training requirements.

13 Q Now, if an individual takes an examination,
14 civil service examination, and receives a grade, but
15 someone in the Commission has concluded that he or she
16 does not have some essential requirement, is it
17 correct that there is a mechanism for the person who
18 took the test to ask that that be reviewed?

19 A Yes.

20 Q And when someone makes that request, how is
21 that request then handled, you know, to which
22 department does it go, and who does what to figure out
23 whether or not they were correct?

24 A Well, that gets -- that will depend on
25 where the particular person tested. And I must

1 confess, I am not certain exactly who would be
2 responsible for reviewing that, but I can tell you
3 generally, that there is a first level reviewer, and
4 in -- at least in some cases that I know of, that
5 first level reviewer is the person who originally made
6 that determination.

7 The person who was declared ineligible,
8 would -- if they disagree with that person's initial
9 review, they will have the opportunity to have that go
10 to a second level reviewer, and I am not certain,
11 again, exactly who that would be, in every case.

12 And then the second level reviewer would
13 make a determination, and then if the person still
14 does not agree, then typically, at that point, they
15 would have to -- the only route available to them,
16 would be to appeal that.

17 Q In a formal way?

18 A In a formal manner, that's correct.

19 Q And when this challenge occurs, and using
20 the word "challenge" in sort of sports kind of
21 challenge --

22 A That is sort of accurate.

23 Q -- and a reviewer is then taking a look,
24 which -- to which documents would the reviewer look
25 for guidance about how to evaluate the situation?

1 Would they look to the personnel assessment
2 form, would they look to an evaluation guide; to what
3 would they look, to help them make sure they were
4 doing it correctly?

5 A I know that the evaluation guide would be a
6 primary item that they would look at.

7 I am not sure if they would look at other
8 things as well.

9 Q Now, is it correct that in the unassembled
10 test, eventually a numeric grade is assigned, after
11 the test has been reviewed?

12 A Yes.

13 Q And then that number is used with the
14 numbers assigned to the other people who took the same
15 unassembled test, in order to create a trainee civil
16 service list?

17 A Well, you -- I guess you keep using the
18 term "trainee". If we speak in general terms. I am
19 not sure --

20 Q We have actually -- and if we have been
21 correct yesterday, now is a good time for us to
22 reform.

23 A Okay.

24 Q It's our understanding, that the
25 Commission, at times, creates lists of trainees for

1 particular class titles, that are trainee titles; is
2 that correct?

3 A That's correct.

4 Q And what terminology should I use for that
5 list, that result?

6 A The answer is, it would depend on what type
7 of trainee.

8 Q Okay. In this instance, let's make it the
9 county social casework intern.

10 A Okay.

11 Q Okay.

12 So, if a number of people had provided the
13 paperwork, that constitutes an unassembled test for a
14 county social casework intern, and then those were all
15 reviewed by the appropriate Commission employee or
16 employees, would that then result in a numerically
17 ranked list of people?

18 A Yes.

19 Q Okay.

20 Now, in order to get in multiple
21 perspectives, are unassembled tests reviewed by more
22 than one person, to decide on a grade?

23 A I don't know.

24 Q When an unassembled test packet, if I can
25 use that term, is reviewed, does the reviewer have any

1 idea of the name, gender, age, race of that person, or
2 is that material redacted from the packet, so the
3 person is just being looked at on his or her
4 qualifications?

5 A I know that on the paperwork, you don't
6 have the person's name.

7 And what other things that you mentioned?

8 Q Gender?

9 A Not to my knowledge.

10 Q Age?

11 A Not to my knowledge.

12 Q And anything that would tend to indicate
13 ethnicity or race?

14 A They may know that because of the civil
15 service application questionnaire, that would allow
16 someone to put that information down.

17 Not everyone will necessarily answer that,
18 but there is an opportunity for people to indicate
19 race on that questionnaire.

20 Q Now, if someone has filled out that
21 questionnaire, that same questionnaire also has places
22 where one would indicate either a birth date, or an
23 age?

24 A Oh. I believe it does. But I would have
25 to see it. I would have to review it again.

1 Q And that same -- does that same form
2 include a place that would indicate gender as well?

3 A I don't remember.

4 Q But, I realize you don't currently
5 recall -- take a moment.

6 A I would have to double check, really. I
7 see this stuff all the time, I would have to check it.

8 Q So, if an individual fills out that form --

9 A Uh-huh.

10 Q -- that, you know, includes certain data,
11 but we are not sure of the fields at the moment --

12 A Okay.

13 Q -- would that form then accompany the
14 packet that constitutes the unassembled test, so that
15 the reviewer would see it?

16 A Yes. Yes.

17 Q Have you ever seen any break out of data,
18 as to what percentage of people actually submit the
19 form, that might include identifying data?

20 A Could you be more specific?

21 Q Sure. In the Commission, for any of the
22 class titles, or for a lump of number of titles --

23 A Uh-huh.

24 Q -- have you ever seen any data indicating
25 what percentage of people include that information

1 sheet?

2 A That information; you mean what information
3 sheet in particular?

4 Q Well, okay. And for now, and the balance
5 of the deposition, you are indicating, and that's
6 consistent with what other people have said in their
7 testimony, that an applicant has an optional sheet,
8 that he or she can fill out, and it indicates certain
9 things, and we don't want to speculate on them, but
10 the items we were talking about a minute ago.

11 A Right.

12 Q Have you -- has the Commission ever
13 developed any statistics, of which you were aware,
14 indicating the percentage of people, or a rough
15 fraction, anything at all, to what extent do people
16 submit that sheet with their packets; 10 percent,
17 90 percent; where on the spectrum?

18 A Yeah. There is a report that I have seen,
19 that will show applicants by legal county, sex and
20 race.

21 So, that's the closest I have seen to
22 anything that shows any kind of percentage.

23 Q And in your own individual work, over the
24 years, have you formed any sense of the extent to
25 which people submit that data sheet with their

1 applications, you know, in your own individual
2 experience?

3 A If an agency has requested that data, we
4 have been able to provide that to the agency, upon
5 request.

6 Q So --

7 A Very broad terms.

8 Q And you find that by accessing those
9 sheets, and inputting that data?

10 A You see, it is hard for me to answer this,
11 because I don't know -- I don't know if that's the
12 source where that report is derived from, so I cannot
13 link those two.

14 But, the report that I see will show who
15 has put in an application, and it will include race
16 data, it will include sex data, and county data.

17 Q So, do you conclude that if that data is
18 available, it's because the applicant submitted that
19 sheet?

20 A It came from somewhere, yeah.

21 Q And that's the source most likely?

22 A I don't know.

23 Q But it's not on the other application
24 materials?

25 A When you say the "other application

1 materials" --

2 Q That would constitute the unassembled test.
3 The only place where race and age show up, is this
4 separate sheet, to break out that information; is that
5 right?

6 A To my knowledge, yes.

7 Q Now, once -- are these nonassembled test
8 lists then turning into the county social caseworker
9 intern list --

10 A Okay.

11 Q -- assembled for all of the counties,
12 except for Philadelphia, which doesn't participate?

13 A Could you be more specific?

14 Q Sure.

15 Now, we are talking just about county
16 social caseworker intern --

17 A Okay.

18 Q -- lists.

19 Does the Commission maintain that list, a
20 list, for each county?

21 A It is one general list. It's not specific
22 to individual counties.

23 Q And then if a particular county requests a
24 list, do you then just extract the people that are
25 interested in working in that county?

1 A Yes.

2 Q So you are able to do that, because your
3 data fields indicate the counties of interest to the
4 job applicant?

5 A Yes, that's correct.

6 Q Okay.

7 But it begins life as a unified list?

8 A Exactly.

9 Q And you can extract the data for the
10 requesting county?

11 A Exactly.

12 Q Okay.

13 Is there any pattern, or schedule, for
14 renewing the list, and creating a new one?

15 A Every civil service eligibility list has
16 what is considered a list life. And, if that -- well,
17 it's not as simple as what you are describing it,
18 that's why I am a little hesitant.

19 Q That's why I would rather accept your
20 description, you were explaining to us, so you were at
21 the point there is a list life, go on from there.

22 A And this varies from job class to job
23 class.

24 But, people -- it's a fluid list, so it is
25 not like there is one -- it is not necessarily that

1 there is one list from point A to point C, and then
2 the list is scrapped and a new one is derived.

3 People are continually coming off that
4 list, new people are being added, and especially if it
5 is something that is open all the time, so it is
6 fluid, and it is changing; so each list will have a
7 typical duration, one year, two years.

8 Q And that duration period, such period is
9 assigned to the social casework list as well?

10 A Uh-huh.

11 Q But, as you -- do I have it correct, that
12 the way you have explained it, there can be multiple
13 lists for the same class title, that exist at the same
14 point in time, because they overlap in their time?

15 A That's not exactly what I am saying, no.
16 Why I am saying it is hard.

17 Q Can we begin with this: I will pick the
18 simplest, because at least I will understand that,
19 with your help.

20 A Okay.

21 Q There isn't a perfect system of only one
22 list for one class title exists, and then it expires,
23 and one second later a new list begins?

24 A Exactly.

25 Q Okay.

1 So, that we can agree on?

2 A Yes.

3 Q Now, would you take us to the next level of
4 understanding of the list?

5 A Well, when someone gets the -- maybe
6 explain it this way, will be a little clearer:

7 When someone gets the results back from
8 their test, they are given a specific date upon which
9 their inclusion on that list will terminate.

10 And that typically would be a year, or two
11 years, or three years, depending on the job class.

12 Q And that would apply even to interns and
13 other people who have submitted these packets?

14 A Yes.

15 Q To be reviewed?

16 A Yes.

17 Q Now, as packets are completed by
18 individuals, were they sent directly to the
19 Commission?

20 Are they mailed, or otherwise provided to
21 the Commission?

22 A Again depending on the job class, but
23 that's typically what would be done.

24 Q And do you know of any reason it would be
25 done differently for the county social casework

1 interns?

2 A The instructions on the test
3 announcement -- let me answer it this way, the
4 instructions on the test announcement are for people
5 to submit them directly to the Commission.

6 I have no doubt that people don't always
7 follow instructions, and sometimes they send them to
8 different sources.

9 Q In your experience, working with colleges
10 and universities, as you described earlier this
11 morning, do some of them wind up coming from career
12 development offices, and placement offices, and
13 chairmen of departments, and that kind of thing?

14 A I don't know. I don't know that for
15 certain.

16 Q So in your personal experience, you haven't
17 encountered that?

18 A No.

19 Q Now, when these nonassembled tests arrive,
20 are they accumulated for a while, and then reviewed as
21 a group, or are they done in sort of a rolling basis
22 as they come in?

23 A They are done on a rolling basis as they
24 come in.

25 Q And so even just one that comes in, and is

1 reviewed, will wind up with a grade?

2 A That's correct.

3 Q And that grade really isn't provided to
4 anyone, except the person who submitted it?

5 A That's correct.

6 Q Until a county asks for a list of
7 trainee -- of people in that class title?

8 A Okay.

9 Let's back track a second, because I think
10 I may have impulsively answered the wrong question.

11 Q Go ahead.

12 A Is your question that a person doesn't see
13 their score until an agency requests a list?

14 Q I was interested in that, but my
15 understanding from your explanation is that the
16 Commission is kinder than that, and after your packet
17 is reviewed, that individual is mailed his or her
18 score.

19 A That's correct.

20 Q So that person knows his or her score, but
21 isn't provided at that time a list that shows where it
22 fits with other people?

23 A That's not entirely accurate.

24 When a person gets their notice of results,
25 for the civil service exam --

1 Q We are talking now about the not sitting
2 for a test, but --

3 A No, the actual results of their
4 examination.

5 Q Okay.

6 A That will typically tell them what their
7 score is, but it will also show them what their
8 standing is, compared to other people who have taken
9 that test, in every county in which they made
10 themselves available.

11 Q And is that true, not only with the exams
12 for which people sit, but also with these nonassembled
13 tests?

14 A Yes.

15 Q Oh, okay.

16 So, that individual, who has submitted the
17 packet, will receive a notice of examination results
18 that's pretty similar to what you get if you sit for a
19 test?

20 A Correct.

21 Q And it will also take into account veterans
22 preference?

23 A Yes.

24 Q And then does the Rule of 3, which was
25 explained to us yesterday, does that apply to the

1 lists for county social caseworker intern?

2 A Yes.

3 Q Are you aware of any discussions within the
4 Commission, as to why an intern list is maintained for
5 county social caseworker?

6 A Am I aware of any discussions? No.

7 Q Do you have a personal professional
8 understanding as to why there is a county social
9 caseworker intern list in addition to having a written
10 exam and a caseworker 2 list?

11 A Yes.

12 Q Why is that?

13 A The county social caseworker intern program
14 was to be an alternative means, another means by which
15 management could recruit and retain professionals in
16 social services.

17 It is meant as another recruitment tool,
18 and retention tool of management, in addition to other
19 ways that they hire their human service potentials.

20 Q I can see the theory of it being a
21 recruitment tool.

22 A Uh-huh.

23 Q How would it enhance retention, except
24 having more people to start, so more people would be
25 there to maintain the staff?